

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

THE CONSTRUCTION INDUSTRY)
RETIREMENT FUND OF ROCKFORD,)
ILLINOIS and THE CONSTRUCTION)
INDUSTRY WELFARE FUND OF)
ROCKFORD, ILLINOIS,) District Judge: Philip G. Reinhard
Plaintiffs,) Magistrate Judge: P. Michael Mahoney
vs.) Case No: 11 C 50201
INTERIOR CONSTRUCTION, INC., an)
Iowa Corporation,)
Defendant.)

**MOTION FOR ENTRY OF DEFAULT JUDGMENT
IN A SUM CERTAIN**

The Construction Industry Retirement Fund of Rockford, Illinois, (hereinafter referred to as "plaintiff" or "the Fund") state as follows for their Motion for Entry of Default Judgment in a Sum certain against defendant, Interior Construction, Inc.,

1. Plaintiff filed a complaint in this matter on July 8, 2011.(Dkt # 1).
2. Defendant was served with the complaint and Summons on July 20, 2011, making its responsive pleading due no later than August 10, 2011. (Dkt # 8).
3. On October 12, 2011, the District Court entered an Order finding defendant in default for failing to file a responsive pleading, and ordering defendant to turnover certain records to facilitate an audit within 30 days. (Dkt # 13).
4. To date, defendant has not had an appearance filed on its behalf or filed any form of responsive pleading.

5. Pursuant to the complaint, defendant is liable for unpaid contributions to the Fund and late fees which were accrued in April 2007 and intermittently thereafter, pursuant to the collective bargaining agreement and subsequent trust agreements to which defendant is bound.

6. According to the Affidavit of Shelli McPeek on behalf of the Fund, attached hereto as Exhibit A, defendant is liable for \$7,831.52 in unpaid contributions, audit fees, and liquidated damages, all of which are recoverable under the applicable agreements.

7. The Declaration Regarding Attorney's Fees, attached as Exhibit B, indicates that an additional \$2,823.90 is due and owing for the costs and attorneys fees incurred in pursuing this case against defendant, the recovery of which is provided for in the applicable agreements.

8. Based upon the forgoing, a default judgment should enter under Rule 55(b) in the amount of **\$10,655.42** (\$7,831.52 in unpaid contributions, liquidated damages, and audit costs, plus \$2,823.90 in attorney's fees and costs = \$10,655.42).

WHEREFORE, Plaintiff respectfully move this Court for entry of a default judgment against defendant, Interior Construction, Inc., in the amount of \$10,655.42.

THE CONSTRUCTION INDUSTRY RETIREMENT
FUND OF ROCKFORD, ILLINOIS, Plaintiff

By: WilliamsMcCarthy LLP

/s/ Troy E. Haggestad

CERTIFICATE OF LAWYER AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

- 1) On August 27, 2012, the foregoing document was electronically filed with the District Court Clerk via CM/ECF filing system; and
- 2) On August 27, 2012, the foregoing document was placed in the U.S. mail with postage paid, addressed to the following:

Interior Construction, Inc.
c/o Austin Lee Hodges, Registered Agent
311 23rd Street, Suite C
Bettendorf, Iowa 52722

/s/ Troy E. Haggestad

Troy E. Haggestad (#06229384)
Joel M. Huotari (#06289792)
WILLIAMS McCARTHY, LLP
120 West State Street, Suite 400
P.O. Box 219
Rockford, IL 61105-0219
815/987-8900